



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE March 21, 2014 LOCAL EFFECTIVE DATE April 4, 2014 APPROX FINAL EFFECTIVE DATE April 25, 2014	CONTACT/PHONE Schani Siong, Project Manager (805) 781-4374 ssiong@co.slo.ca.us	APPLICANT Ron and Catherine Francis	FILE NO. DRC2013-00027
SUBJECT Hearing to consider a request by RON & CATHERINE FRANCIS for a Minor Use Permit / Coastal Development Permit to construct a 1,706 square foot single story single-family residence and an 864 square foot detached metal garage. The project will result in the disturbance of approximately 3,850 square feet on a 0.57 acre parcel. The proposed project is located at the corner of Via Vistosa and Bayview Heights Drive (1060 Bayview Heights Drive) in the community of Los Osos. The site is located in the Estero planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit / Coastal Development Permit DRC2013-00027 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 13, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, hazards and hazardous materials and water resources are included as conditions of approval.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-323-031	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Drainage, On-Site Wastewater Disposal, Setbacks, and Height Limitations. <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
LAND USE ORDINANCE STANDARDS: Archaeological Sensitive Areas, Terrestrial Habitat Protection, <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
EXISTING USES: VACANT			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family/ residences East: Residential Single Family/ residences South: Residential Single Family/ vacant West: Residential Single Family/ residences			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Los Osos Community Services District, California Department of Forestry and Fire Protection, U.S Fish and Wildlife, Los Osos Community Advisory Council, and the California Coastal Commission.	
TOPOGRAPHY: Nearly Level	VEGETATION: Non-native perennial veldt grass, chaparral shrubs, Morro manzanita and pygmy oak tree.
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic Fire Protection: Cal Fire	ACCEPTANCE DATE: November 14, 2013
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	

DISCUSSION

The applicants are proposed to build a 1,706 square foot single story single-family residence and an 864 square foot detached metal garage on a 0.57 acre parcel. The project will result in disturbance of approximately 3,850 square feet on the vacant parcel. The project site is located on 1060 Bayview Heights in Los Osos. Adjacent properties to the north, east and west are designated Residential Single Family and contain existing single family residential structures. The project would include an on-site septic system. It should be noted that the project is located outside of the moratorium area for new sources of sewage discharge imposed by the Regional Water Quality Control Board.

The project site is very close to the 320-acre critical habitat unit for the federally endangered Morro Shoulderband snail, as designated on February 7, 2001. A biological evaluation of the project site prepared in 2009 (Quattro Biological Service) observed 31 empty Morro Shoulderband snail shells and no live snails on the site. After coordination with USFWS, an incidental take permit was requested by the applicant and the USFWS required preparation of a habitat conservation plan for the project site. The habitat conservation plan was completed in March 30, 2011.

PLANNING AREA STANDARDS:

On-Site Wastewater Disposal. New development using on-site wastewater disposal systems shall protect coastal water quality and meet the requirements of the Regional Water Quality Control Board.

Staff Comments: In 1988, the California Regional Water Quality Control Board imposed a moratorium on new sources of sewage discharge in most of the community of Los Osos. This parcel is not included within the moratorium area. Prior to building permit issuance or final inspection of the wastewater system, the applicant will need to demonstrate compliance with the County Plumbing Code / Central Coast Basin Plan, which would ensure that the requirements of the Regional Water Quality Control Board are met.

Los Osos Lowland Areas – Drainage Plan Requirement. In areas designated in Figure 7-40, all land use permit applications for new structures or additions to the ground floor of existing structures shall require drainage plan approval pursuant to Coastal Zone Land Use Ordinance Sections 23.05.040 et seq. unless the County Engineer determines that the individual project site is not subject to or will not create drainage problems.

Staff Comments: The project is located in the area which requires preparation of a drainage plan. The project will be required to submit a drainage plan prior to issuance of building permits.

Height Limitations: Maximum height shall be 28 feet.

Staff Comments: The project is consistent with this standard, the proposed height of the new residence is approximately 17 feet above average natural grade.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.04.100 – Setbacks. Required setbacks for single family residences are as follows: front – 25 feet; side – 5 feet; corner street side setback – 10 feet; and rear – 20 feet.

Staff Comment: The project meets these required setbacks.

Section 23.07.104 - Archaeologically Sensitive Areas. The project site is within a mapped Archaeologically Sensitive Area.

Staff Comment: A Phase I Archeology survey was prepared for the project site (Parker and Associates, March 27, 2007) and no resources were found.

Section 23.07.120 - Local Coastal Program. The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan, see below for consistency discussion.

Section 23.07.176 - Terrestrial Habitat Protection. The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

Habitat creation and enhancement. Where the project results in an unavoidable loss (i.e., temporary or permanent conversion) of habitat area, replacement habitat and/or habitat enhancements shall be provided and maintained by the project applicant. Plans for the creation of new habitat, or the enhancement of existing habitat, shall consider the recommendations of the California Coastal Commission, the California Department of Fish and Game and/or U.S. Fish and Wildlife Service. Generally, replacement habitat must be provided at recognized ratios to successfully reestablish the habitat at its previous size, or as is deemed appropriate in the particular biologic assessment(s) for the impacted site. Replacement and/or enhanced habitat, whenever feasible, shall be of the same type as is lost ("same-kind") and within the same biome ("same-system"), and shall be permanently protected by a deed restriction or conservation easement.

Staff Comments: The project site is located just outside the 320-acre critical habitat unit for the federally endangered Morro shoulderband snail, as designated on February 7, 2001. The project site located outside the westernmost edge of the habitat, and surrounded by residential developments on three sides. Though empty Morro Shoulderband snail shells had been found on the site, there was no live snails observed. Due to the relatively small size and scale of the proposed residence, location within an already urbanized residential area, and the highly degraded nature of the habitat on site, implementation of the project is not anticipated to significantly affect the survival and recovery of the Morro shoulderband snail population as a whole. Nonetheless, to address the incidental take impact of the snail, a 5-year term incidental take permit was requested from United States Fish and Wildlife Service (USFWS). A

requirement of this request is the preparation of a habitat conservation plan. A Low-Effect Habitat Conservation Plan was prepared and approved by USFWS in March 2011. The conservation plan includes measures that will be implemented to monitor, minimize and mitigate impacts to the snail.

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: ☒ Policy No(s): 29

Agriculture: N/A

Public Works: ☒ Policy No(s): 1

Coastal Watersheds: ☒ Policy No(s): 7, 8, 10, and 11

Visual and Scenic Resources: ☒ Policy No(s): 7

Hazards: N/A

Archaeology: ☒ Policy No(s): 1

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION

Terrestrial Environment

Policy 29: Protection of Terrestrial Habitat. Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site. Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

Staff Comments: As discussed above, a Low-Effect Habitat Conservation Plan was prepared and approved by USFWS in March 2011. The conservation plan includes measures that will be implemented to monitor, minimize and mitigate impacts to the Morro Shoulderband snail and its habitat. The project would be consistent with this policy.

Public Works

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line (USL) for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if:

- a. It can be serviced by adequate private on-site water and waste disposal systems; and

- b. The proposed development reflects that it is an environmentally preferable alternative. The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources.

Staff Comments: Adequate public services are available (water) to serve the proposed project because surrounding residences are already served and the applicant submitted a will-serve letter from Golden State Water Company. The project would include an on-site wastewater septic system and therefore no wastewater treatment facility capacity is required. Additionally the new residence will be subject to Title 19 water conservation measures, which would ensure that new water demand associated with the project is offset at a ratio of 2:1. The project would be consistent with this policy.

Coastal Watersheds

Policy 7: Siting of new development: Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent.

Staff Comment: The proposed project is consistent with this policy because the new residence will be located on slopes of less than 20 percent.

Policy 8: Timing of new construction: Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Staff Comment: The proposed project is consistent with this policy because it's conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Staff comment: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required the San Luis Obispo County Public Works department.

Policy 11: Preserving Groundwater Recharge. In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats.

Staff comment: The proposed project is consistent with this policy because site grading has been designed to retain groundwater on-site to the extent feasible.

Visual and Scenic Resources

Policy 7: Preservation of Tree and Native Vegetation The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.

Staff Comments: The proposed project is consistent with this policy because no native trees are proposed for removal. The project is conditioned to install protective fencing around existing trees during construction.

Archeology

Policy 1: Protection of Archaeological Resources. The County shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archeological or paleontological resources, adequate mitigation shall be required. Staff comment:

Staff Comment: The proposed project is consistent with this policy. A Phase I Archeology survey was prepared for the project site and no resources were found. (Parker and Associates, March 27, 2007).

COMMUNITY ADVISORY GROUP COMMENTS:

Los Osos Community Advisory Council: The council reviewed and supported the proposed project on December 20, 2013.

AGENCY REVIEW:

Public Works – Encroachment permit and road fees will be required.
Los Osos Community Services District – No response.
California Coastal Commission – No response.
Regional Water Quality Control Board – No response.
CalFire – Provided requirements in fire safety plan.

LEGAL LOT STATUS:

The one existing parcel was legally created by a recorded map, Parcel Map CO 70-38, Parcel A (Book 5, Page 70 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Schani Siong and reviewed by Kerry Brown.